



**POLK COUNTY COMMISSIONERS COURT**

**January 13, 2005**

**5:30 P.M.**

Polk County Courthouse, 3rd floor

Livingston, Texas

**2005-003**

**NOTICE** is hereby given that an **emergency meeting** of the Polk County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

**Agenda topics**

1. **CALL TO ORDER.**
2. **CONSIDER ANY/ALL NECESSARY ACTION RELATING TO THE GRANTING OF INGRESS AND EGRESS TO HALE MILLS CONSTRUCTION AND/ OR THEIR CONTRACTORS FOR ACCESS TO THE IAH DETENTION FACILITY SITE FROM MANGUM ROAD FOR CONSTRUCTION PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE APPROVAL OF A ROAD USE AGREEMENT.**

**ADJOURN**

By: John P. Thompson, County Judge

Posted: January 13, 2005

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of the Polk County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice at the door of the Polk County Courthouse at a place readily accessible to the general public at all times on Thursday, January 13, 2005 and that said Notice remained so posted continuously for at least 2 hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

BY:  \_\_\_\_\_, Deputy

FILED FOR RECORD

2005 JAN 13 P 3:24

BARBARA MIDDLETON  
POLK COUNTY CLERK

STATE OF TEXAS }

COUNTY OF POLK }

DATE: **JANUARY 13, 2005**  
EMERGENCY MEETING  
County Clerk - Absent

**COMMISSIONERS COURT**  
**AGENDA POSTING # 2004 - 131**

BE IT REMEMBERED ON THIS THE 13th DAY OF JANUARY, 2005  
THE HONORABLE COMMISSIONERS COURT MET IN "EMERGENCY" CALLED  
MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT, TO WIT;

HONORABLE JUDGE JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING.  
BOB WILLIS-COMMISSIONER PCT#1 (Present), BOBBY SMITH-COMMISSIONER PCT #2 &  
JAMES J. "Buddy" PURVIS-COMMISSIONER PCT #3 (Via Teleconference Call), C.T. "TOMMY"  
OVERSTREET - COMMISSIONER PCT #4 (Present), and B.L. "BOB" DOCKENS - COUNTY  
AUDITOR, WITH THE FOLLOWING AGENDA ITEMS, ORDERS AND DECREES WERE  
DULY MADE, CONSIDERED & PASSED.


- 1. MEETING WAS CALLED TO ORDER BY JUDGE JOHN P. THOMPSON AT 5:30 P.M.
- 2. DISCUSSION OF ROAD ACCESS FOR THE CONSTRUCTION OF IAH DETENTION FACILITY:

MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO APPROVE ROAD  
USE AGREEMENT BETWEEN HALE MILLS CONSTRUCTION AND POLK COUNTY,  
RELATED TO HEAVY TRAFFIC ON MANGUM ROAD DURING CONSTRUCTION  
OF IAH DETENTION FACILITY.

ALL VOTING YES. (SEE ATTACHED)

- 3. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO ADJOURN  
COURT THIS 13<sup>th</sup> DAY OF JANUARY, 2005 AT 6:00 PM.  
ALL VOTING YES.

  
JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:   
Transcribed & prepared by:  
BARBARA MIDDLETON, COUNTY CLERK



POLK COUNTY, TEXAS

**ROAD USE AGREEMENT**by and between **POLK COUNTY**  
and**Hale Mills Construction, Ltd.**

**Whereas**, Hale Mills Construction, Ltd. intends to perform activities in Polk County, Texas, which will include the use of heavy vehicles on certain county roads; and

**Whereas**, the proposed activities will require heavy vehicular traffic on a route which will include travel over Mangum Rd.; and

**Whereas**, the proposed traffic may exceed the weight capacity of the aforementioned county road and may cause or significantly contribute to damage on said road; and

**Whereas**, Hale Mills Construction, Ltd. and Polk County agree that the aforementioned traffic of heavy vehicles on the aforementioned county road is necessary for the proposed activity and that Polk County should be compensated for any damages or additional maintenance costs incurred as a result of said traffic;

**Therefore**, Hale Mills Construction, Ltd. and Polk County, Texas hereby agree and contract as follows:

**ASSURANCES:****Hale Mills Construction, Ltd. SHALL;**

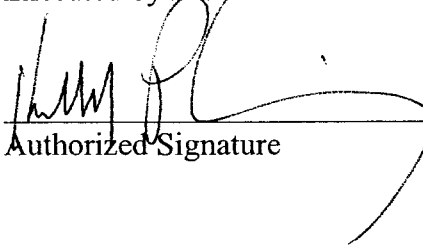
1. Repair any/all damage to the stated portion of County road and related right of way which results from their activity and shall ensure that at the completion of said activity the condition of Mangum Road is returned to that which existed prior to the commencement of their operations; and
2. Pay all costs, including labor, equipment usage and materials for all repairs, replacement or maintenance incurred as a result of their aforementioned heavy vehicle traffic on the county road stated herein during the period of said operations; and
3. agree to provide 48 hours notice to Polk County Commissioner, Precinct 1 before transporting or operating any equipment or commencing any heavy vehicular traffic on the approved county road which will cause an extended interruption of the normal flow of traffic on said road or require road closure; and
4. Special Requirements agreed to be performed by Hale Mills Construction, Ltd.: maintain said portion of Mangum Road in safe and passable condition for normal vehicular traffic during the period operations.

**ROAD USE AGREEMENT  
PAGE 2**

POLK COUNTY SHALL;

1. Allow Hale Mills Construction, Ltd. and its contractors to utilize Mangum Road for the transport of all necessary equipment and traffic of heavy vehicles involved in the proposed activity, without weight limitations for the period of their operations.
2. Make a physical inspection/s of the subject site during the period agreed upon herein. Upon expiration of said period and the associated halting of the approved unlimited weight traffic, the County shall make a final inspection of the subject road to ensure satisfactory completion of any/all necessary road repairs prior to the release of this agreement.

Executed by **Hale Mills Construction, Ltd.:**

  
 \_\_\_\_\_  
 Authorized Signature

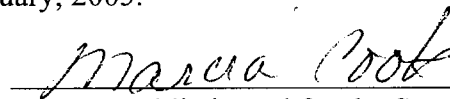
\_\_\_\_\_  
 January 18, 2005  
 (date)

STATE OF TEXAS                    §  
   §  
 COUNTY OF Polk County         §

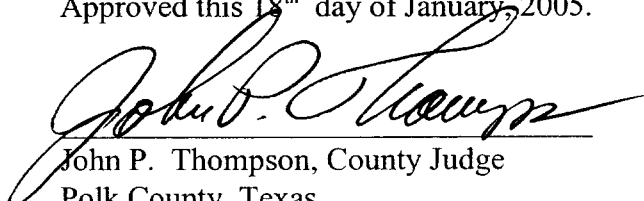
I, Marcia Cook, a notary public, do hereby certify that on this the 18<sup>th</sup> day of January, 2005, personally appeared before me **Kendall Phinney**, being first duly sworn, declared that he/she is the person whose signature is affixed hereto and that he/she is duly authorized to execute the foregoing document on behalf of **Hale Mills Construction, Ltd.**

SWORN AND SUBSCRIBED before me this 18<sup>th</sup>, day of January, 2005.



  
 \_\_\_\_\_  
 Notary Public in and for the State of Texas  
 Printed Name:         Marcia Cook        

Approved this 18<sup>th</sup> day of January, 2005.

  
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 John P. Thompson, County Judge  
 Polk County, Texas  
 Livingston, Texas 77351